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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/511,590 | 10/12/2004 | Riccardo Gosi | 206,701 | 4060 |
| 23440 7590 04/30/2008 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 10016-0601 | | | | |
| EXAMINER | | | | |
| JACYNA, J CASIMER | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3754 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 04/30/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,590

Applicant(s)

GOSI ET AL.

Examiner

J. Casimer Jacyna

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11 and 13-27 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8-11 and 13-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Claims 5-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/30/2007.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Huber et al. (5,163,584). Huber a method for drawing liquid including directing inert gas from 32 through 25 into a bottle 24 to cause liquid to be removed from the bottle, dispensing the removed liquid through a channel 26 or 27 into a spout 198 and cleaning the spout by directing inert gas into the spout from 30 to 44 and 194.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 11, 13, 16-21 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over French (2,616,767) in view of Trusselle et al. (4,350,187). French discloses a tap dispenser apparatus including a vertical bottle 100, an inert gas source 15, a body 1, lifting means 6, manual taps 7, a first channel 17, a second channel with a first side pipe 34 and a second side spout 41, a chamber between 42 and 43, and a pinch valve 46 substantially as claimed but does not disclose a third channel. However,

Trusselle teaches another tap dispenser having a gas inlet channel 62, 64 connected to the spout for the purpose of preventing dripping by cleaning excess fluid from the exterior of the spout. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of French with a third channel as, for example, taught by Trusselle in order to clean excess fluid from the exterior of the spout.

6. Claims 4, 11, 13, 15-21 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over French (2,616,767) in view of Mueller (5,524,683). French discloses a tap dispenser apparatus including a vertical bottle 100, an inert gas source 15, a body 1, lifting means 6, manual taps 7, a first channel 17, a second channel with a first side pipe 34 and a second side spout 41, a chamber between 42 and 43, and a pinch valve 46 substantially as claimed but does not disclose a third channel. However, Mueller teaches another tap dispenser having a gas inlet channel 62, 64 connected to the spout for the purpose of flushing and cleaning the spout. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of French with a third channel as, for example, taught by Mueller in order to flush and clean the spout.

7. Claims 8, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over French (2,616,767) in view of Trusselle et al. (4,350,187) as applied to claim 13 above and further in view of Torimitsu et al. (6,715,641). French discloses a tap dispenser substantially as claimed but does not disclose an electric valve controlled by software. However, Torimitsu teaches another tap dispenser having a software

controlled tap 26 for the purpose of automating the dispensing function. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of French with a software controlled electric valve as, for example, taught by Torimitsu in order to automate the dispensing function.

8. Claims 8-10, 14 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over French (2,616,767) in view of Trusselle et al. (4,350,187) as applied to claim 13 above and further in view of in view of McHale (5,913,454). French discloses a tap dispenser substantially as claimed but does not disclose the dispenser to be controlled by software with an actuating card and a liquid crystal display. However, McHale teaches another tap dispenser that is controlled by software and is actuated by a card with a liquid crystal display as shown in figure 6 for the purpose of automating the dispensing function. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of French with a software control, a liquid crystal display and a card as, for example, taught by McHale in order to automate the dispensing function.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over French (2,616,767) in view of Trusselle et al. (4,350,187) as applied to claim 13 above and further in view of Owen (5,031,799). French discloses a tap dispenser substantially as claimed but does not disclose a conical mouth. However, Owen teaches another tap dispenser having a conical mouth 226 for the purpose of achieving a better bottle seal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to provide the apparatus of French with a conical mouth as, for example, taught by Owen in order to achieving a better bottle seal.

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Applicant contends that the subject matter of claim 3 has included in new claim 13. However, claim 3 called for the a bottle channel (16) to be connected to the inert gas circuit and a second spout channel (17) to be connected to the same inert gas circuit. This limitation is missing from claims 13, 17 and 25 and the two channels as claimed can be connected to two different sources. Also claim 3 defined the valve as being an electric valve with a piston which limitations are also missing from claims 13, 17 and 25. Finally, line 6 of claim 3 called for the spout channel (17) to enter or have access to the chamber of the electric valve piston which limitation is missing from claims 13, 17 and 25.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Casimer Jacyna/
Primary Examiner, Art Unit 3754